

113
6



State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Helene Nelson, Secretary

NEOBALD LEGISLATIVE LIBRARY
WISCONSIN LEGISLATIVE
REFERENCE BUREAU
ONE EAST MAIN ST., SUITE 200
P O BOX 2037
MADISON, WI 53701-2037

June 2, 2006

Robert J. Marchant, Senate Chief Clerk
State Capitol, Room B20SE
Post Office Box 7882
Madison, WI 53707-7882

Dear Mr. Marchant:

Pursuant to Wis. Stat., s. 50.04(5)(fr), I am submitting the Department's annual report to the Legislature related to class A violations committed by nursing homes, including facilities serving individuals with developmental disabilities, and forfeitures assessed on nursing homes for those violations.

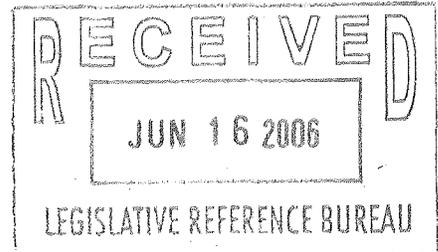
As defined by Wis. Stat., s. 50.04(4)(3b), a class A violation is "... a violation of this subchapter or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a nursing home presenting a substantial probability that death or serious mental or physical harm to a resident will result"

The Department issued 35 class A violations in calendar year 2005. The enclosed report provides details on all class A violations, including the original forfeiture amount assessed and the status of payment.

I am pleased to inform you that the Department has continued to meet its goal of assessing forfeitures of nursing home facilities within 120 days of the survey exit.

Sincerely,

Helene Nelson
Secretary





State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Helene Nelson, Secretary

June 2, 2006

Patrick E. Fuller, Assembly Chief Clerk
17 West Main Street, Room 401
Post Office Box 8952
Madison, Wisconsin 53708-8952

Dear Mr. Fuller:

Pursuant to Wis. Stat., s. 50.04(5)(fr), I am submitting the Department's annual report to the Legislature related to class A violations committed by nursing homes, including facilities serving individuals with developmental disabilities, and forfeitures assessed on nursing homes for those violations.

As defined by Wis. Stat., s. 50.04(4)(3b), a class A violation is "... a violation of this subchapter or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a nursing home presenting a substantial probability that death or serious mental or physical harm to a resident will result"

The Department issued 35 class A violations in calendar year 2005. The enclosed report provides details on all class A violations, including the original forfeiture amount assessed and the status of payment.

I am pleased to inform you that the Department has continued to meet its goal of assessing forfeitures of nursing home facilities within 120 days of the survey exit.

Sincerely,

A handwritten signature in cursive script that reads "Helene Nelson" followed by a small "SR" monogram.

Helene Nelson
Secretary

STATE DOCUMENT

WISCONSIN STATE CLASS A VIOLATIONS SERVED TO NURSING HOMES AND FACILITIES FOR THE DEVELOPEMENTALLY DISABLED 01/01/2005- 12/31/2005

DATE SOD SERVED	FACILITY	HFS ADM CODE	VIOLATION DESCRIPTION	FORFEITURE ASSESSED	FORFEITURE STATUS
12/28/2005	Lodi Good Samaritan Center	132.60(1)(c)4.	Facility failed to take appropriate action, when a resident experienced a significant change in his medical condition following a fall with head injuries; resident subsequently died	\$ 7,700.00	Forfeiture paid (-35% prompt payment discount)
12/22/2005	Christopher East Health and Rehabilitation Center	132.60(1)(c)4.	Facility failed to take appropriate action, including assessment, when a resident experienced a significant change in his medical condition; resident developed intracranial subarachnoid hemorrhage	\$ 22,500.00	Forfeiture paid; facility closed
12/21/2005	Milwaukee County MHC Rehabilitation Center—Hilltop FDD	134.51(1)(d)	Facility admitted and retained a sexually aggressive client for whom it could not provide adequate and appropriate care	\$40,800.00	Forfeiture assessment currently in review process; Medicaid-Only facility
11/21/2005	Lakeview Health Center	132.60(1)(c)4.	Facility failed to take appropriate action when a resident experienced changes in her medical condition	-0-**	Medicaid-Only facility

DATE SOD SERVED	FACILITY	HFS ADM CODE	VIOLATION DESCRIPTION	FORFEITURE ASSESSED	FORFEITURE STATUS
11/21/2005	Lakeview Health Center	132.31(1)(L)	Facility failed to provide adequate and appropriate care to a resident with water-seeking behaviors	-0-**	Medicaid-Only facility
10/13/2005	Racine Residential Care FDD	134.60(1)(g)	Facility failed to adequately supervise two clients with severe elopement behaviors and three clients with sexually aggressive behaviors towards another client	\$ 22,000.00	Forfeiture appealed
10/13/2005	Evansville Manor	132.72(1)	Resident utilizing oxygen was presented with a burning candle	\$ 2,800.00	Forfeiture appealed
10/10/2005	Pleasant View Nursing Home	132.72(1)	Inadequate care planning for and supervision of a smoking resident who utilized oxygen	\$ 6,500.00	Forfeiture paid (-35% prompt payment discount)
09/16/2005	Prescott Nursing and Rehabilitation Community	132.43(2)	Staff-to-resident physical and emotional abuse of 10 facility residents	\$ 20,000.00	Forfeiture being paid in 21 monthly installments of approximately \$2,500.00 each (this includes payment for Class B violations)
09/16/2005	Prescott Nursing and Rehabilitation Community	132.41(1)	Inadequate supervision by nursing home administrator	\$ 10,000.00	Forfeiture being paid in 21 monthly installments of approximately \$2,500.00 each (this includes payment for Class B violations)

DATE SOD SERVED	FACILITY	HFS ADM CODE	VIOLATION DESCRIPTION	FORFEITURE ASSESSED	FORFEITURE STATUS
09/02/2005	Sunny Hill Health Care Center	132.31(1)(L)	Failure to provide adequate and appropriate care to a resident experiencing chest pain and requesting hospitalization; resident experienced cardiogenic shock, hypotension, myocardial infarction	\$ 4,000.00	Forfeiture paid (-35% prompt payment discount)
08/20/2005	Wisconsin Dells Health and Rehabilitation Center	132.60(1)(c)4.	Failure to assess resident with a head injury and to notify the MD of a fall and subsequent changes in the resident's medical condition; resident died	\$ 10,000.00	Forfeiture paid (-35% prompt payment discount)
08/19/2005	Norwood Health Center—FDD	134.60(1)(g)	Client eloped from facility; missing for about an hour without facility recognizing client was missing	\$ 1,800.00*	Forfeiture paid (-35% prompt payment discount)
07/27/2005	Willows Nursing and Rehabilitation Center	132.60(1)(c)1.	Failure to continue care initiated in the hospital; diabetic resident did not receive ordered medications and facility did not notify MD of hyperglycemic episode; resident died 14 hour after facility re-admission	\$ 14,000.00	Forfeiture paid (-35% prompt payment discount)

DATE SOD SERVED	FACILITY	HFS ADM CODE	VIOLATION DESCRIPTION	FORFEITURE ASSESSED	FORFEITURE STATUS
06/01/2005	Eastside Rehabilitation Center	132.60(1)	Failure to provide appropriate individualized care to a resident with congestive heart failure	\$ 45,275.00	Forfeiture to be paid in monthly installments; only one payment (\$1,500.00) made; account to be turned over to collections
05/26/2005	Pleasant View Nursing Home (Phillips)	132.60(1)(c)4.	Failure to take appropriate action following a change in condition—resident experienced a heart attack	\$ 6,000.00	Forfeiture paid (-35% prompt payment discount)
05/25/2005	Plymouth Manor Nursing and Rehabilitation Center	132.60(1)(c)4.	Failure to take appropriate action following a change in condition—internal bleeding caused resident death	\$ 10,000.00	Forfeiture appealed
05/25/2005	Plymouth Manor Nursing and Rehabilitation Center	132.60(8)(c)	Failure to follow care plan—resident wandered/eloped	\$ 5,000.00	Forfeiture appealed
04/29/2005	Willowfield Nursing and Rehabilitation Center	132.60(1)(c)4.	Failure to take appropriate action following a change in condition—clotted IV line treated with diet soda	\$ 6,000.00	Forfeiture paid (-35% prompt payment discount)
04/28/2005	Clark County Health Care Center	132.60(5)(a)1.	Medication/treatment/therapy not issued as ordered—narcotic medication given to wrong resident; resident died	\$ 13,700.00	Forfeiture paid (-35% prompt payment discount)

DATE SOD SERVED	FACILITY	HFS ADM CODE	VIOLATION DESCRIPTION	FORFEITURE ASSESSED	FORFEITURE STATUS
04/12/2005	Christopher East Health and Rehabilitation Center	132.31(1)(L)	Failure to provide adequate and appropriate care—resident's tracheotomy tube not suctioned when requested by resident; resident died	\$ 10,000.00	Forfeiture paid (-35% prompt payment discount)
04/07/2005	Terraceview Living Center	132.31(1)(L)	Failure to provide adequate and appropriate care—facility did not provide CPR to full-code resident when she experienced cardiac arrest; resident died	\$ 10,000.00	Forfeiture stipulation—comprehensive plan of correction submitted; if facility receives no Class A and no more than two Class B violations through 15 May 2007, the forfeiture will be withdrawn
03/21/2005	Rolling Hills Rehabilitation Center—Special Care Home	132.43(2)	Resident abuse—sexual assault by facility employee	\$ 9,000.00	Forfeiture appealed; awaiting Federal hearing outcome
03/16/2005	Maple Lane Health Care Center	132.51(2)(c)	Admission of abusive/destructive resident without providing adequate services	\$ 32,000.00	Forfeiture paid (-35% prompt payment discount)
03/08/2005	Wisconsin Dells Health and Rehabilitation Center	132.31(1)(L)	Failure to provide adequate and appropriate care; resident transported with liquid oxygen between his legs and sustained third-degree frostbite	\$ 6,600.00	Forfeiture appealed
03/03/2005	Lakeside Nursing and Rehabilitation (now Wissota Health and Regional Vent Unit)	132.60(5)(a)1.	Medication/treatment/therapy not issued as ordered	\$108,900.00	Forfeiture paid (-35% prompt payment discount)

DATE SOD SERVED	FACILITY	HFS ADM CODE	VIOLATION DESCRIPTION	FORFEITURE ASSESSED	FORFEITURE STATUS
03/03/2005	Lakeside Nursing and Rehabilitation (now Wissota Health and Regional Vent Unit)	132.60(5)(d)2.	Medication administration— inadequate policies and procedures	\$126,500.00	Forfeiture paid (-35% prompt payment discount)
02/28/2005	Dove Healthcare at Glendale	132.60(3)(a)	Failure to provide timely notification of change in resident condition; resident died as a result of intestinal bleeding	\$ 10,000.00	Forfeiture appealed
02/17/2005	Tomah Health Care Center	132.60(1)(c)4.	Failure to take appropriate action following a change in resident condition; resident died of myocardial infarction, pneumonia, and septic shock	\$ 22,500.00	Forfeiture paid (-35% prompt payment discount)
02/12/2005	Lakeside Nursing and Rehabilitation (now Wissota Health and Regional Vent Unit)	132.31(1)(L)	Failure to provide adequate and appropriate care—fall with head injury not assessed	\$ 8,250.00	Forfeiture paid (-35% prompt payment discount)
02/12/2005	Lakeside Nursing and Rehabilitation (now Wissota Health and Regional Vent Unit)	132.60(8)(c)	Resident care plan not evaluated and updated as needed; failure to follow feeding precautions to prevent aspiration and choking	\$ 9,900.00	Forfeiture paid (-35% prompt payment discount)
01/21/2005	Terraceview Living Center	132.60(2)(a)	Diets not served as prescribed—facility did not provide foods and liquids of proper consistency; resident developed aspiration pneumonia	\$ 16,275.00	Forfeiture stipulation— comprehensive plan of correction submitted; if facility receives no Class A and no more than two Class B violations through 15 May 2007, the forfeiture will be withdrawn

DATE SOD SERVED	FACILITY	HFS ADM CODE	VIOLATION DESCRIPTION	FORFEITURE ASSESSED	FORFEITURE STATUS
01/21/2005	Terraceview Living Center	132.60(2)(c)	Assistance with food/fluid intake not provided; resident developed aspiration pneumonia	\$ 19,600.00	Forfeiture stipulation—comprehensive plan of correction submitted; if facility receives no Class A and no more than two Class B violations through 15 May 2007, the forfeiture will be withdrawn
01/03/2005	Cottonwood Center FDD	134.60(1)(g)	Failure to provide resident safety/security—residents left unattended and not noticed missing from facility	\$ 18,000.00	Forfeiture appealed; facility in receivership

*This violation was assessed a forfeiture less than \$2,500.00. It resulted in no actual physical harm, nor had the facility been previously cited for this type of violation. The facility's favorable compliance history and the systems developed to prevent such incidents from occurring/recurring (including its client plan of care, its thorough and timely investigation into the incident, its staff training, and its considerable costs to upgrade staff communication systems) were also mitigating factors in assessing the forfeiture amount. Furthermore, an off-duty dietary employee exhibited extraordinary efforts to ensure the client was returned safely to the facility. Therefore, weighing all factors and using the Bureau tools and guidelines for assessing forfeitures, the \$ 1,800.00 appeared to be a reasonable forfeiture assessment.

** The Bureau found that there were Class A violations of HFS 132, Wis Adm Code. The violations were reviewed; however, a forfeiture was not assessed or collected. Section 50.04(7), Wis Stats., states: "Violations. If an act forms the basis for a violation of this section and s. 49.4989, the department or the attorney general may impose sanctions in conformity with this section or under s. 49.498, but not both." The facility was also cited with federal deficiencies at F157, F281, and F309 at the "J" level, and a civil money penalty was imposed for the immediate jeopardy situations. The state violations coincided with the circumstances for which the civil money penalties were imposed. According to Chapters 49 and 50, Wis. Stats., and interpretation by the Department's Office of Legal Counsel, the Bureau cannot impose both a civil money penalty and a forfeiture on a Medicaid-only facility for the same act because the Bureau is the agent authorized to impose both state forfeitures and civil money penalties. Therefore, although the Bureau finds that there were Class A violations, state forfeitures were not imposed.